

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Ariel Courage	Team: Squad #6	CCRB Case #: 201404611	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 04/23/2014 , Thursday, 04/24/2014 , Thursday, 05/08/2014 9:30 PM, Friday, 05/09/2014	Location of Incident: Pacific Street and Howard Avenue	Precinct: 73	18 Mo. SOL 11/8/2015	EO SOL 11/8/2015	
Date/Time CV Reported Sun, 05/11/2014 10:09 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Sun, 05/11/2014 10:10 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Rashan Lacoste	02285	935149	GANG BN
2. DT3 Gabriel Echevarria	06488	940119	GANG BN
3. DT3 Anibal Torres	29862	947862	GANG BN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Gabriel Echevarria	Off. Language: On April 24, 2014, in the vicinity of Pacific Street and Howard Avenue in Brooklyn, Det. Gabriel Echevarria made remarks to § 87(2)(b) based upon her perceived sexual orientation.	
B.DT3 Rashan Lacoste	Abuse: On May 8, 2014, in the vicinity of Pacific Street and Howard Avenue in Brooklyn, Det. Rashan Lacoste stopped § 87(2)(b)	
C.DT3 Gabriel Echevarria	Abuse: On May 8, 2014, at the intersection of Pacific Street and Howard Avenue in Brooklyn, Det. Gabriel Echevarria stopped § 87(2)(b)	
D.DT3 Rashan Lacoste	Abuse: On May 8, 2014, in the vicinity of Pacific Street and Howard Avenue in Brooklyn, Det. Rashan Lacoste frisked § 87(2)(b)	
E.DT3 Gabriel Echevarria	Abuse: On May 8, 2014, in the vicinity of Pacific Street and Howard Avenue in Brooklyn, Det. Gabriel Echevarria frisked § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
F.DT3 Rashan Lacoste	Abuse: On May 8, 2014, in the vicinity of Pacific Street and Howard Avenue in Brooklyn, Det. Rashan Lacoste searched § 87(2)(b)	
G.DT3 Rashan Lacoste	Abuse: On May 8, 2014, in the vicinity of Pacific Street and Howard Avenue in Brooklyn, Det. Rashan Lacoste threatened to arrest § 87(2)(b) and individuals.	
H.DT3 Rashan Lacoste	Discourtesy: On May 8, 2014, in the vicinity of Pacific Street and Howard Avenue in Brooklyn, Det. Rashan Lacoste spoke rudely to § 87(2)(b) and individuals.	
I.DT3 Anibal Torres	Discourtesy: On May 8, 2014, in the vicinity of Pacific Street and Howard Avenue in Brooklyn, Det. Anibal Torres spoke rudely to § 87(2)(b) and individuals.	
	§ 87(2)(g), § 87(4-b)	

Case Summary

On May 11, 2014, an attorney for § 87(2)(b) filed a complaint with the CCRB online (encl. [4A-F]). On April 24, 2014, at approximately 4:30 p.m., in the vicinity of Pacific Street and Howard Avenue in Brooklyn, Det. Gabriel Echevarria of Gang Brooklyn North allegedly called § 87(2)(b) a “bitch,” and a “gay dyke” (**Allegation A**). On May 8, 2014, at approximately 9:30 p.m., in the vicinity of Pacific Street and Howard Avenue in Brooklyn, § 87(2)(b) was stopped, frisked, allegedly searched by Det. Rashan Lacoste of Gang Brooklyn North (**Allegation B, D, and F**). Det. Echevarria stopped and frisked § 87(2)(b) (**Allegations C and E**). Det. Lacoste told § 87(2)(b) s friend, § 87(2)(b) to “Get [his] phone out of [there] or [they would] lock [him] up,” and told § 87(2)(b) s other friend, § 87(2)(b) as well as unidentified individuals, that he was going to “lock everybody up” (**Allegation G**). Det. Lacoste and Det. Anibal Torres, also of Gang Brooklyn North, told § 87(2)(b) s girlfriend, § 87(2)(b) and unidentified individuals to “Shut the fuck up,” and “[Everybody] back the fuck up” (**Allegation H and I**).

Mediation, Civil, and Criminal Histories

This case was not eligible for mediation because § 87(2)(b) planned to file a lawsuit. A notice of Claim request was submitted on January 21, 2015, and will be added to the case file upon receipt (encl. [8A]). [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

This is the first CCRB complaint filed by § 87(2)(b) (encl. [2E]). Det. Lacoste has been a member of the service for 10 years and there are no substantiated allegations against him (encl. [2A-B]). Det. Echevarria has been a member of the service for 9 years and there are no substantiated allegations against him (encl. [2C]). Det. Torres has been a member of the service for 6 years and there are no substantiated allegations against him (encl. [2D]). § 87(2)(g)

Investigative Findings and Recommendations

Allegations Not Pleaded

- § 87(2)(g)
- **Refusal to provide name/shield:** In the initial complaint, § 87(2)(b) s attorney alleged that officers refused to provide their names and shield numbers to § 87(2)(b) did not allege this in her subsequent telephone or in-person statements. § 87(2)(g)
- § 87(2)(g)

Allegation A – Offensive Language: On April 24, 2014, in the vicinity of Pacific Street and Howard Avenue in Brooklyn, Det. Gabriel Echevarria made remarks to § 87(2)(b) based upon her perceived sexual orientation.

§ 87(2)(b) provided an in-person statement about this incident on June 5, 2014 (encl. [4H-M]), in which she alleged that on April 24, 2014, at approximately 4:30 p.m., as § 87(2)(b)

was talking to her aunt, § 87(2)(b) at the intersection of Pacific Street and Howard Avenue in Brooklyn, Det. Echevarria and Det. Lacoste drove by her in their unmarked gray Hyundai Sonata sedan. From the open window of the vehicle, Det. Echevarria shouted to § 87(2)(b) to “stop selling crack,” and called her a “bitch” and a “gay dyke.” In her telephone statement on May 21, 2014 (encl. [4G]), however, § 87(2)(b) alleged that Det. Echevarria called her a “gay dyke bitch” during the incident on May 8, 2014.

Between August 6, 2014, and November 3, 2014, two letters and five calls were placed to § 87(2)(b). Each time, the undersigned either left a voice message for § 87(2)(b) or § 87(2)(b) said she was too busy to talk. To date, § 87(2)(b) has not provided an in-person statement about this incident. None of the witnesses to the May 8 incident (encl. [4O-R]) noted that any officer used the profanity alleged by § 87(2)(b).

Det. Echevarria (encl. [5L-T]) denied calling § 87(2)(b) a “bitch,” or a “gay dyke,” and denied using any profanity towards § 87(2)(b) whatsoever. Det. Lacoste (encl. [5A-K]) and PO Torres (encl. [5U-5AD]) denied hearing Det. Echevarria use any profanity towards § 87(2)(b). Although neither Det. Lacoste nor Det. Echevarria remembered being in the vicinity of Pacific Street and Howard Avenue on April 24, 2014, they were working together and in the vehicle described by § 87(2)(b). Though neither had any memo book entries at approximately 4:30 p.m., Det. Lacoste noted it was possible they passed the area en route back to the Gang Brooklyn North command.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED].

Allegation B – Abuse of Authority: On May 8, 2014, in the vicinity of § 87(2)(b) in Brooklyn, Det. Rashan Lacoste stopped § 87(2)(b)

Allegation D – Abuse of Authority: On May 8, 2014, in the vicinity of § 87(2)(b) in Brooklyn, Det. Rashan Lacoste frisked § 87(2)(b)

Allegation F – Abuse of Authority: On May 8, 2014, in the vicinity of § 87(2)(b) in Brooklyn, Det. Rashan Lacoste searched § 87(2)(b)

§ 87(2)(g)
§ 87(2)(b) said that on May 8, 2014, she was sitting on the steps in front of § 87(2)(b) when she noticed a black male in his 50s, identified by the investigation as § 87(2)(b) standing six feet away. § 87(2)(b) noticed him only because he was smoking a cigarette, the smell of which bothered her. § 87(2)(b) had no interaction with § 87(2)(b) and denied knowing him. After finishing his cigarette, § 87(2)(b) walked across Howard Avenue. § 87(2)(b) shortly thereafter walked to the corner of Howard Avenue and Pacific Street, in the direction of § 87(2)(b). When § 87(2)(b) reached the intersection, two officers, identified by the investigation as Det. Lacoste and Det. Torres, exited an unmarked gray Hyundai Sonata sedan and approached her. Upon approach, Det. Lacoste grabbed § 87(2)(b) by her right arm, twisted it behind her back, and pushed her front-first against the side of a nearby parked vehicle. The manner in which Det. Lacoste held § 87(2)(b) caused discomfort but no injury to § 87(2)(b). Det. Lacoste then patted § 87(2)(b) s body and reached inside of her pockets, removing her wallet and cell phone. § 87(2)(b) carried no other items except her identification, which was in her front left pants pocket and did not believe she had any visible bulges in her clothing.

§ 87(2)(b) (encl. [4P-Q]), § 87(2)(b) s girlfriend, corroborated § 87(2)(b) s account, except that she did not see if Det. Lacoste searched her. § 87(2)(b) (encl. [4R]), § 87(2)(b) s

friend, said that he saw Det. Lacoste and an officer matching PO Torres's description holding § 87(2)(b) by both of her arms against the side of a parked vehicle, and that Det. Lacoste frisked and searched her. § 87(2)(b) (encl. [4O]), § 87(2)(b)'s friend, said that Det. Lacoste was holding onto § 87(2)(b)'s left arm while PO Torres searched the ground nearby. § 87(2)(b) did not remember if her body made contact with the vehicle and did not see if Det. Lacoste frisked her or searched her. § 87(2)(b) did not remember there being a third officer on scene. § 87(2)(b) said he had video footage of the incident that he recorded on his cell phone, but he never provided it. § 87(2)(b) and § 87(2)(b) did not cooperate with the investigation.

Det. Lacoste said he was parked on halfway into the block on Pacific Street near Howard Avenue, a high-crime area, making observations when he noticed a group of five or six people gathered in front of § 87(2)(b), a drug-prone location. § 87(2)(b) approached the group from across Howard Avenue and § 87(2)(b) who was standing amongst the group and who Det. Lacoste recognized from her prior arrest for narcotics sales in November of 2013, signaled to him to wait. § 87(2)(b) entered § 87(2)(b) and reemerged about a minute later, meeting § 87(2)(b) in between two parked vehicles on Howard Avenue. Det. Lacoste had an obstructed view of both § 87(2)(b) and § 87(2)(b). § 87(2)(b) handed § 87(2)(b) a quantity of cash while § 87(2)(b) handed § 87(2)(b) a small object. Although he could not see the object from that distance, the observations he made were consistent enough with a hand-to-hand drug transaction to warrant further investigation. Det. Lacoste instructed PO Torres to stop § 87(2)(b) while he and Det. Echevarria approached § 87(2)(b). Det. Lacoste denied using physical force against § 87(2)(b) frisking her, or searching her, or seeing PO Torres do so.

Det. Echevarria confirmed that he and Det. Lacoste approached § 87(2)(b) while PO Torres alone approached § 87(2)(b). Both Det. Lacoste and Det. Echevarria testified that § 87(2)(b) could not be arrested because § 87(2)(b) dropped a small white plastic bag, consistent both with the object they saw § 87(2)(b) hand to him and with a glassine of narcotics, down a storm drain before they approached him, and from whence it could not be recovered.

PO Torres indicated that upon his approach to § 87(2)(b) he observed an oddly-shaped round, grapefruit-sized bulge, whose hardness PO Torres could not gauge by sight alone, with what appeared to be a hard, ridged edge next to it in her front hoodie pocket. Because of its odd shape, PO Torres could not tell what § 87(2)(b) carried in her pocket. He did not believe it necessarily was consistent with a weapon. § 87(2)(b) appearing to know that she would likely be arrested, asked PO Torres if she could give her property to her cousin and put both of her hands inside the front pocket of her hoodie. Her hands fidgeted inside the pocket. PO Torres told § 87(2)(b) two or three times over a period of five or six seconds that she could not give her property to anyone and to remove her hands from her pockets. When § 87(2)(b) did not comply, PO Torres grabbed § 87(2)(b)'s wrists, pulled them from her pocket, and placed them at her sides. § 87(2)(b) held a cell phone in her right hand and her wallet in her left hand. The hard, ridged edge in her hoodie pocket was gone, leading PO Torres to believe that the object creating the ridged edge was her cell phone. The round, grapefruit-size bulge was still in her pocket. After holding her hands at her sides for three seconds, § 87(2)(b) again reached both hands inside her pockets, and PO Torres again removed them. Because § 87(2)(b) was not following his instructions, the high-crime area, the bulge, and because PO Torres knew he would need to detain her until Det. Lacoste and Det. Echevarria informed him as to whether or not probable cause existed to arrest her, PO Torres frisked her hoodie pocket to ensure she was not armed. PO Torres did not frisk any other part of her body. He otherwise had no reason to suspect she was armed. PO Torres felt that the bulge in § 87(2)(b)'s pockets was a balled-up paper bag. PO Torres never searched § 87(2)(b) and never pushed her against the side of a parked vehicle. § 87(2)(b) was released after Det. Lacoste informed PO Torres that § 87(2)(b) could not be arrested. PO Torres

completed a Stop, Question and Frisk report (encl. [6A]), § 87(2)(g) [REDACTED] though he noted that he forgot to check “suspicious bulge” as one of the factors for the frisk.

An officer may stop an individual when there is reasonable suspicion to believe that individual has committed, is committing, or is about to commit a crime. An officer may frisk an individual when the officer has reasonable suspicion that the individual is in possession of a weapon. People v. Debour, 40 N.Y.2d 210 (1976) (encl. [1A-K]) If visual observation of a detainee reveals a bulge, the bulge must look or feel like a weapon before the officer may conduct a frisk. People v. Robinson, 125 A.D.2d 259 (1986) (encl. [1L-N]) Behavior susceptible to innocuous interpretation, even in a high crime area, is not sufficient to establish reasonable suspicion that an individual is armed. People v. Hampton, 200 A.D.2d 466 (1994) (encl. [1O-Q])

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED]

Allegation C – Abuse of Authority: On May 8, 2014, in the vicinity of Pacific Street and Howard Avenue in Brooklyn, Det. Gabriel Echevarria stopped § 87(2)(b) [REDACTED]
Allegation E – Abuse of Authority: On May 8, 2014, in the vicinity of Pacific Street and Howard Avenue in Brooklyn, Det. Gabriel Echevarria frisked § 87(2)(b) [REDACTED]

It is undisputed that Det. Echevarria stopped § 87(2)(b) [REDACTED] and § 87(2)(b) [REDACTED] alleged that Det. Echevarria frisked § 87(2)(b) [REDACTED]. However, attempts to locate § 87(2)(b) [REDACTED] who was identified by name and date of birth in the memo books of Det. Echevarria and Det. Lacoste, were unsuccessful. § 87(2)(g) [REDACTED]

Allegation G – Abuse of Authority: On May 8, 2014, in the vicinity of § 87(2)(b) [REDACTED] in Brooklyn, Det. Rashan Lacoste threatened to arrest § 87(2)(b) [REDACTED] and individuals.

Allegation H – Discourtesy: On May 8, 2014, in the vicinity of § 87(2)(b) [REDACTED] in Brooklyn, Det. Rashan Lacoste spoke rudely to § 87(2)(b) [REDACTED] and individuals.

Allegation I – Discourtesy: On May 8, 2014, in the vicinity of § 87(2)(b) [REDACTED] in Brooklyn, PO Anibal Torres spoke rudely to § 87(2)(b) [REDACTED] and individuals.

§ 87(2)(b) alleged that while Det. Lacoste had her pushed against the side of a parked vehicle, § 87(2)(b) began recording the incident on his cell phone, at which point Det. Lacoste told § 87(2)(b) “Get your phone out of here or we’ll lock you up.” § 87(2)(b) provided a telephone statement in which he confirmed that Det. Lacoste threatened to “lock him up.” Additionally, in her telephone statement, § 87(2)(b) s girlfriend, § 87(2)(b) and her friend, § 87(2)(b) alleged that PO Torres and Det. Lacoste told all members of the group gathered on scene to “Shut the fuck up,” and, “Everybody back the fuck up.” § 87(2)(b) also alleged that Det. Lacoste threatened to arrest the entire group, saying that he would “lock everybody up.”

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED].

§ 87(4-b), § 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Team: _____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date